

Remarks

Claims 1, 3, 5-14, 16, 18-27, 29, 31-39, 42-45, 47, 48, 51-54, and 56-58 are pending in this application. Claims 1, 14, 27, 48, 57, and 58 have been amended in various particulars as indicated hereinabove. Claims 46 and 55 have been cancelled without prejudice or disclaimer.

Claims 48 and 57 are objected to as being dependent upon a rejected base claim. Each of these claims has been amended to an independent format. While they are now broader than the previous versions, they should still be deemed allowable for the reasons set forth in the pending Office Action.

While the remaining claims have been generally amended on a number of points, they all now include subject matter based on previous claim 46, for example. Thus, the following rejections should now be deemed moot:

Claims 1, 3, 5, 10-16, 18, 27, 29, 31, 36-39, 42, 43, 47, 51, 52, 56 and 58 as being unpatentable over Malan *et al.* (US Pub. No. 2002/0032871, hereinafter “Malan”) in view of Poletto *et al.* (US Pub. No. 2002/0032880, hereinafter “Poletto”);

Claims 6-9, 19-26 and 32-35 as being unpatentable over Malan in view of Poletto and further in view of Li (US Patent No. 5,473,599);

Claims 44 and 53 as being unpatentable over Malan in view of Poletto and further in view of Carr (US Patent No. 5,293,379);

Claims 45 and 54 as being unpatentable over Malan in view of Poletto and further in view of Galloway (US Patent No. 5,430,709).

The most relevant rejection to the pending claims is probably that discussed relative to previous claims 46 and 55, under 35 U.S.C. 103(a) over Malan in view of Poletto and further in view of Katoh (US Patent No. 5,949,757), in the pending Office Action. This rejection is respectfully traversed for the following reasons.

Claim 1, for example, requires the monitor/regulator to instruct the first routing device to lower a priority of the undesirable network traffic that is being sourced from the first network domain in response to making a determination that the first network domain is sourcing the undesirable network traffic. This is neither shown nor suggested by any of the applied references.

For example, the pending Office Action merely asserts that the Katoh patent teaches priority lowering. In contrast, the pending claims require lowering priority of traffic sourced from a network. Further, this step is taken in response to determining that the domain is the source of a denial of service attack. Thus the claims describe applying the lowered priority to a specific type of traffic, sourced from a domain, in response to a specific determination, denial of service attack.

For these reasons, there is no prima facie obviousness and the rejection should not be applied to the pending claims.

It is believed that the present application is in condition for allowance. A Notice of Allowance is respectfully solicited. Should any questions arise, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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